

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 M&T CAPITAL AND LEASING
12 CORPORATION,

13 Plaintiff,

14 v.

15 FREON LOGISTICS,

16 Defendant.

Case No. 2:23-cv-01171-WBS-CSK

ORDER FOR RESPONSE and ORDER
VACATING HEARING

17 Presently pending before the Court is Plaintiff M&T Capital and Leasing
18 Corporation's revised motion for default judgment against Defendant Freon Logistics,
19 which was filed on April 17, 2025 and which is set for hearing on May 27, 2025. (ECF
20 No. 33.) Under Local Rule 230(c), Defendant was required to file an opposition or
21 statement of non-opposition to the motion no later than fourteen (14) days after the filing
22 date of the motion, on or by May 1, 2025. Although that deadline has passed, no
23 opposition or statement of non-opposition was filed.

24 Out of an abundance of caution, and in light of the Court's desire to resolve the
25 action on the merits, the Court will provide Defendant one additional, final opportunity to
26 oppose the motion.

27 ///

28 ///

Accordingly, IT IS HEREBY ORDERED that:

1. The May 27, 2025 hearing on Plaintiff's revised motion for default judgment is VACATED;
2. Any opposition or statement of non-opposition by Defendant shall be filed within fourteen (14) days from the date of this order, and the reply brief from Plaintiff, if any, is due ten (10) days thereafter;
3. Defendant is cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against each of them;
4. Plaintiff shall promptly serve a copy of this order on Defendant at its last-known address, and contemporaneously file a proof of service with the Court that provides the date and manner of service; and
5. After the time period for briefing is complete, the Court will take this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). The Court will reschedule a hearing at a future date, if necessary.

Dated: May 8, 2025



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

4, m&t1171.23